

### **REMARKS**

Claim 1 has been amended. Claims 1 and 5-6 currently are pending.

Claims 1 and 5-6 remain rejected under 35 USC § 103(a) as being unpatentable over Nicholas et al. (US 3,668,034) in view of Vinod (US 5,965,232).

Regarding our previous arguments the examiner stated that one cannot show non-obviousness by attacking references individually where the rejections are based on combination of references. This is true. However, applicants did not attack the references individually per se. A combination of references is defective when one of the individual references which was used is defective for a required element of a rejected claim. In other words, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

In the present case, not all elements of the rejected claims are taught or suggested by the examiner's cited reference, neither when combined nor taken individually. The examiner uses one reference, Nicholas et al., to teach that any thermoplastic can be used as an intermediate layer.

Applicants do not believe this is sufficient to establish a *prima facie* case of obviousness in the present case. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second,

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there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitation. MPEP § 2143.

The intermediate layer employed by the instant invention is not only defined by its chemical composition (i.e., polypropylene prepared in the presence of metallocene catalysts), but rather by its physical structure (i.e., non-woven or fleece.) This is a positive limitation in currently amended claim 1.

For the reasons expressed above, it is urged that the prior art references cited by the examiner either singly or in combination fail to anticipate or suggest the present invention as defined by the amended claims. Accordingly, a *prima facie* case of obviousness has not been established by the examiner, and the rejection under 35 USC § 103 should be withdrawn.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such account.

Respectfully submitted,  
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read 'Dan Kim', with a stylized flourish at the end.

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**IN THE CLAIMS:**

1. (currently amended) A layered composite material which comprises a substrate made from a thermoplastic propylene homopolymer, an intermediate layer composed of a thermoplastic polypropylene prepared in the presence of a metallocene polymerization catalyst whereby said intermediate layer is designed as a non-woven filamentary layer, ~~arranged thereupon~~ and a decorative layer applied to the intermediate layer, where the decorative layer is composed of a chromed metal and a heat-cured layer which sits on top of the decorative layer.

2 - 4 canceled

5. (previously presented) A layered composite material as claimed in claim 1, where the intermediate layer and the substrate are composed of the same thermoplastic.

6. (previously presented) A layered composite material as claimed in claim 1, the total thickness of which is from 0.5 to 100 mm, at least 80% of which is made up by the substrate.

7 -11 canceled

12. (withdrawn) A method of using the layered composite material as claimed in claim 1 as a reflecting part of a household device, of a piece of furniture or of a molding in the electrical, construction or automotive industry or in the health sector.
13. (withdrawn) A method of using the layered composite material as claimed in claim 1 as an insulating part of a household device, of a piece of furniture or of a molding in the electrical, construction or automotive industry or in the health sector.